

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No 3193 of 2021

Arising Out of PS. Case No.-281 Year-2021 Thana- KUDHNI District- Muzaffarpur

SANJAY KUMAR S/O SRI RAVINDRA MAHTO @ CHULAHAI
RESIDENT OF VILLAGE-PADMAUL, P.S-KURHANI, DISTRICT-
MUZAFFARPUR.

... .. Appellant/s

Versus

THE STATE OF BIHAR

... .. Respondent/s

Appearance :

For the Appellant/s	:	Mr Abhay Kumar, Advocate
For the State	:	Mr Binay Krishna, Special PP
For the Informant	:	Mr Nachiketa Jha, Advocate

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL JUDGMENT

Date : 14-09-2021

This case has been listed today for consideration through
Video Conferencing.

2 Heard learned counsel for the appellant, learned
counsel for the informant as well as the learned Special Public
Prosecutor (for brevity, *Special PP*) appearing for the State of
Bihar.

3 The appellant has preferred the present Appeal under
Section 14 - A (2) of Scheduled Castes and Scheduled Tribes
(Prevention of Atrocities) Act (for brevity, *SC/ST Act*) against the
refusal of his prayer for regular bail vide order dated 26.06.2021
passed by Additional Sessions Judge III -cum- Special Judge,



SC/ST Act, Muzaffarpur in a case registered under Sections 341, 323, 376, 511, 504, 506 of Indian Penal Code and Sections 3 (i) (r) (s) of SC/ST Act in connection with Kudhani Police Station (for brevity, *PS*) Case No 281 of 2021.

4 First Information Report (for brevity, *FIR*) alleges a failed attempt of rape by the appellant.

5 Mr Abhay Kumar, learned counsel for the appellant submits that the implication is on account of trivial dispute between the children of the informant and the appellant. Submission is that even in the case diary, no cogent material has come to suggest that the appellant has committed any offence. The appellant was in fact handed over by private individuals to the police and the benefit of this fact should also go in favour of the appellant.

6 Learned counsel for the informant and learned Special PP have opposed the prayer for bail. It is submitted that attempt has failed only due to intervention of neighbours and because the victim awoke.

7 In my opinion, in view of nature of accusation in the *FIR*, and submission of parties, a case for grant of regular bail is made out. The impugned order dated 26.06.2021 requires interference by this Court, which is, accordingly, set aside.



8 This appeal is allowed. The impugned order dated 26.06.2021 passed by Additional Sessions Judge III -cum- Special Judge, SC/ST Act, Muzaffarpur in connection with Kudhani PS Case No 281 of 2021 is set aside.

9 Let the appellant above named be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge III -cum- Special Judge, SC/ST Act, Muzaffarpur in Kudhani PS Case No 281 of 2021 subject to the following conditions:

(1) That one of the bailors will be a close relative of the appellant who will give an affidavit giving genealogy as to how he is related with the appellant. The bailor will also undertake to inform the Court if there is any change in the address of the appellant.

(2) That the appellant will be well represented on each date and if he fails to do so on two consecutive dates, his bail will be liable to be cancelled.

(Madhuresh Prasad, J)

M.E.H./-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.09.2021
Transmission Date	15.09.2021

